IN THE HIGH COURT OF BOMBAY AT GOA
***

WRIT PETITION NO. 119 OF 2001

Shri Suresh Arjun
Tulaskar, Art Teacher,
Shri Durga English School,
Parse, Pernem, Goa, aged
about 49 years, Indian
National, r/o Tulaskar
Wadi, Pernem, Goa. ... Petitioner

Versus

1. The Director of Education,
Government of Goa, having
office at Directorate of
Education, Panaji, Goa, and

2. The Headmaster, Shri Durga,
English School, Parse,
Pernem, Goa. ... Respondents.

Shri M. S. Sonak, advocate for the petitioner.

Shri A.N.S. Nadkarni, Advocate General with Ms. Winnie Coutinho, Government Advocate for respondent no.1.

Shri P. A. Kamat, advocate for respondent no.2.

CORAM : P. V. HARDAS &
D. G. KARNIK, JJ.

DATE : 7th April, 2004.

ORAL JUDGMENT (Per D.G. Karnik, J.)

Heard learned counsel for the petitioner, learned Advocate General for the respondent no.1, and the learned counsel for respondent no.2.

2. The petitioner was working as a Teacher in the respondent no. 2 school. On 15th November, 2000, the petitioner issued a notice of voluntary retirement, effective from 15th February, 2001. Before the date proposed for his voluntary retirement, on 11th December,

2000, the petitioner addressed an application to the respondent no.1 for withdrawal of the notice of voluntary retirement and followed it up by addressing subsequent letters dated 13th December, 2000 and 28th December, 2000. Despite the said communication, the respondent no.1 informed the petitioner sometime in January, 2001, that his request for voluntary retirement is accepted and he would be relieved with effect from 30th April, 2001. The petitioner was called upon to submit the documents for settlement of pension papers. By letter dated 21st March, 2001, the petitioner replied that he had already applied for withdrawal of notice of voluntary retirement and, therefore, there was no question of his submitting pension papers. Apprehending that the petitioner would be discharged from service by accepting his notice for voluntary retirement, the petitioner filed the present petition on 10th April, 2001. By an order dated 30th April, 2001, the petition was admitted, but interim relief was declined.

3. By filing an affidavit in reply dated 23rd March, 2004, the respondent no.2 has brought on record subsequent events. After admission of the petition, by a letter dated 9th May, 2001, the petitioner requested the respondent no.2 to process his pension papers, and further requested that he should be given additional benefits under the Voluntary Retirement Scheme (for short "V.R.S."). The petitioner personally submitted his photographs alongwith

other papers necessary for processing his pension papers and benefits of V.R.S. on 12th July, 2002, for forwarding them to the respondent no.1. The papers were forwarded and the Deputy Director of Accounts accepted the petitioner's request for voluntary retirement and conferring additional benefits under the V.R.S. Accordingly, the petitioner has been paid the following amounts;-

(i) Rs.90,892/- on 20th November, 2001, as G.P.F. Final Payment.

(ii) Rs.1,18,934/- towards additional benefits of Voluntary Retirement Scheme.

(iii) Rs.96,349/- towards gratuity.

(iv) Rs.1,29,744/- towards commuted value of pension.

(v) In addition, to that the petitioner has been receiving a pension of Rs.2042/- per month, after commutation, which the petitioner is being paid till date.

The petitioner has accepted the said payment as well as pension without demure.

4. In the circumstances, the petitioner is not entitled to any reliefs in this petition. The petition is, accordingly, dismissed with no order as to costs.

P. V. HARDAS, J.

D. G. KARNIK, J.